

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Case No. 0:17-cv-05276-MJD-LIB

Central Specialties, Inc.,

Plaintiff,

vs.

Jonathan Large and
Mahnomen County,

Defendants.

DEFENDANTS' JOINT ANSWER
TO PLAINTIFF'S AMENDED COMPLAINT

Defendants Jonathan Large and Mahnomen County, for their joint answer to plaintiff's complaint amended May 29, 2018, state and allege as follows:

I.

Defendants deny each and every claim, allegation, or contention of plaintiff's amended complaint unless hereinafter admitted or qualified.

II.

Defendants admit Paragraphs 7, 8, 11, and 14 of plaintiff's amended complaint.

III.

Defendants are without sufficient information to form a belief as to the truthfulness of the allegations or to affirm or deny the allegations contained in Paragraphs 6, 9, 16, 18, 19, 30, and 50 of plaintiff's amended complaint and therefore put plaintiff to its strict proof thereon.

THAT DEFENDANTS, FOR THEIR AFFIRMATIVE DEFENSES, STATE AND ALLEGE AS FOLLOWS:

IV.

Defendants are entitled to the protections and limitations as well as the maximum liability protections afforded to them by Minnesota Statutes Chapter 466 and, in particular, Minnesota Statutes §466.04.

V.

Defendants allege failure to state a claim upon which relief can be granted, assumption of the risk, contributory negligence, and illegality.

VI.

Defendants specifically assert and incorporate by reference all affirmative defenses available pursuant to Rules 8, 9, and 12 of the Federal Rules of Civil Procedure pending completion of discovery.

VII.

Defendants allege that plaintiff's allegations as to defendants' actions or inactions relate to matters for which defendants, and each of them, are entitled to statutory, discretionary, official, qualified, absolute, good faith, or any other type of common law or statutory immunity.

VIII.

Defendants allege that plaintiff's amended complaint is groundless, based upon no facts constituting reasonable cause to believe that defendants have engaged in any legally actionable course of conduct and as such, constitutes an act of bad faith by plaintiff and its

attorneys in violation of Minnesota Statutes §549.211, entitling defendants to costs, disbursements, reasonable attorney fees, and witness fees in this litigation from plaintiff, and this allegation constitutes notice to plaintiff in compliance with the notice requirements of Minnesota Statutes §549.211.

IX.

Defendants allege that because plaintiff's claim for relief under 42 U.S.C. §1983 is improper or barred pursuant to the affirmative defenses alleged, in particular, immunity, this Court lacks subject matter jurisdiction over plaintiff's remaining claims.

WHEREFORE, defendants demand judgment dismissing plaintiff's amended complaint and for an award of their attorney fees, costs, and disbursements and any further relief the Court deems appropriate.

PEMBERTON, SORLIE, RUFER &
KERSHNER, P.L.L.P.

Date: June 21, 2018

s/ Michael T. Rengel
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